

## REMARKS

In the July 23, 2004 Office Action (hereinafter "Office Action"), a restriction was required under 35 U.S.C. §§ 121 and 372. A provisional election without traverse was made, via telephone, by Maria Anderson (Registration No. 40,574) on July 14, 2004, by telephone, for prosecution of the invention of Group I, Claims 1-13. Applicants herein affirm the provisional election without traverse of the invention of Group I, Claims 1-13. Claims 14-25 are hereby withdrawn from consideration.

In the Office Action, Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, lacking a sufficient antecedent basis. Further, Claims 1-6, 9, and 11-13 were rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,732,162, issued to Wood et al. (hereinafter "Wood et al."). Additionally, Claims 7, 8, and 10 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Wood et al. in view of U.S. Patent No. 5,828,839, issued to Moncreiff (hereinafter "Moncreiff"). With this amendment and response, Claims 1-13 remain pending in the application, with Claim 1 being independent.

Pursuant to 37 C.F.R. § 1.111 and for the reasons set forth below, applicants request reconsideration and allowance of this application. Prior to discussing in detail why applicants believe that Claims 1-13 in the present application are in condition for allowance, a brief description of applicants' invention and a brief description of the teachings of the cited references are provided. The following background and discussions, of the disclosed embodiments of applicants' invention and teachings in the cited and applied references, are not provided to define the scope of interpretation of any of the claims of this application. Instead, such background and discussion is provided only to assist the U.S. Patent and Trademark Office in better appreciating important claim distinctions discussed thereafter.

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### Background to the Applicants' Invention

The advent and acceptance of the World Wide Web (hereinafter the "Web") and the Internet has substantially reduced the cost for a business to reach its customers. Even small companies may establish a global presence on the Internet through a Web site if they have sufficient financial and technical resources available. However, cost and technological animosity has prevented the very smallest of companies from attempting to establish this global Web presence. The cost of both equipment and maintenance for networking computers, and a lack of technical expertise, are often roadblocks to effective creation, maintenance, or expansion of a small company's Web site. Accordingly, there exists a need for a low cost, low equipment investment, and technically accessible method of establishing a Web site.

### Summary of the Applicants' Invention

The applicants' invention is directed to a computer-implemented method for establishing, maintaining, and updating a Web site. This method provides small entities and individuals an opportunity to establish an effective Web presence without the initial cost of computer equipment or the technical knowledge usually required for constructing a functional Web site. A

According to one embodiment of the present invention, the method automatically creates, on a host computer system, a set of computer readable instructions for a set of Web documents in response to a user request. The user request contains a unique identifier, such as a business phone number. The unique identifier is matched against a database and corresponding information is used to create the set of Web documents. The user can then further personalize the Web documents. The Web site may then be hosted, through Web site hosting functions, on the host computer. These Web documents may form a functional Web site on the host computer, permitting global access to customers, requiring little technical expertise from the user to implement, and being inexpensive to create, maintain, or expand upon.

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Brief Description of U.S. Patent No. 6,732,162, Issued to Wood et al.

The method of Wood et al. is directed to submission, processing, storage, and uploading of digital imagery through a Web-based user interface. Wood et al. describe client side preprocessing of an image prior to submitting it to a host computer. The digital image is then uploaded, and stored on the host computer. The stored image is then requested by a plurality of destination Web sites having unique image format requirements. Processing the stored image to meet the requirements of the requesting Web site is completed on the host computer before the reformatted image is uploaded to the requesting Web site. The requesting Web site may then properly display the processed image. Essentially, Wood et al. describe an automated translation system for moving a digital image from a client computer to a Web site through a host computer, as shown in Figure 1 of Wood et al. Image translation is sometimes needed because the format of the original digital image from the client computer may not meet the specific display requirements of the destination Web site.

Wood et al. describe a system where the user submits an image, the image is stored on a host, and the image is possibly translated when requested from a Web site with particular display requirements. In contrast, Wood et al. clearly fail to disclose creating a set of Web documents on a host computer, and creating computer readable instructions for a set of Web documents, using the information corresponding to the identified user.

Brief Description of U.S. Patent No. 5,828,839, Issued to Moncreiff

The Moncreiff system is directed to a device that synchronizes chat room content channels with broadcast media, i.e., "a device . . . and logic . . . for establishing communication between [a] user . . . and [a] chat room . . . based on the broadcast time of a broadcast program to which the chat room relates . . . ." See Moncreiff, Claim 1. Moncreiff further relates entering and exiting chat rooms, data collection from users in chat rooms, presentation of advertising to

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users of the chat rooms, and the presentation of merchandise related to the broadcast program synchronized with the chat room a user is in. See Moncreiff, Claims 1-10. These chat rooms are entered over the internet, and are synchronized to a user selected time zone media broadcast such as a television or radio program. See the Moncreiff, Abstract.

Various embodiments of the Moncreiff system incorporate internet games, advertising, merchandise sales, real time chat, and the presentation of links to related Web sites, all associated with the real time media broadcast. See Moncreiff Col. 6, line 15 - Col. 7, line 30. However, Moncreiff fails to teach or suggest the creation of computer readable instructions for a set of Web documents on a Web site, based on a request by, and information correlating to, a uniquely identified user. Rather, Moncreiff teaches the incorporation of Web elements related to a synchronized media broadcast. Moncreiff is concerned with correlated marketing activity rather than producing a Web presence for a financially or technically limited entity or individual.

#### Rejection of Claims

##### 35 U.S.C. § 112, Second Paragraph Rejection

Independent Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as lacking proper antecedent basis. In particular, the recitation "the interconnected client computer" lacked antecedent basis. However, with this response, Claim 1 has been amended such that proper antecedent basis for the recitation "interconnected client computer" is found. Accordingly, applicants assert that in, in regard to the 35 U.S.C. § 112, second paragraph rejection, Claim 1 is in condition of allowance, and request that the 35 U.S.C. § 112, second paragraph rejection be withdrawn.

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## 35 U.S.C. § 102(e) Rejections

### Claim 1

In order to anticipate a claim under 35 U.S.C. § 102(e), a reference must teach each and every element of that claim.<sup>1</sup> In the Office Action, it is asserted that Wood et al. teach each and every element of Claims 1-6, 9, and 11-13. Applicants respectfully disagree, and submit that Wood et al. fail to disclose each and every element of Claim 1. In particular, applicants assert that Wood et al. fail to disclose the following elements of Claim 1: **"receiving a request by a user to create a set of web documents on a host computer system," "identifying said user based upon a unique identifier associated with the user," "determining corresponding information for the unique user identified from a database of information using said unique identifier," and "creating computer readable instructions for a set of web documents, using said corresponding information, to be executed on an interconnected client computer."**

### Wood et al. Fail to Disclose Receiving a Request to Create a Wet of Web Documents

It is asserted in the Office Action that Wood et al., at Col. 4, lines 61-62, disclose "receiving a request by a user to create a set of web documents on a host computer system." More particularly, the Office Action states that Wood et al. "disclose [that] a media object is submitted by an end user dragging content into a MAPD system computer's web page." Applicants assert that these are entirely distinct concepts.

Dragging a media object into a MAPD system computer's Web page is clearly an action that initiates **a transfer of an existing object** from the client computer to the MAPD system computer. Such transfer of an existing object can not reasonably be viewed or construed as a

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<sup>1</sup> *Verdegal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

request to create a set of Web documents, as recited in Claim 1. Indeed, nothing involved with transferring a media object, whether by dragging and dropping, or by selecting an object and clicking an upload button, can be construed as the equivalent of creating a set of Web documents.

Wood et al. Fail to Disclose Identifying a User Based on a Unique Identifier

It is further asserted in the Office Action that Wood et al., at Col. 4, line 63, disclose "identifying said user based upon a unique identifier associated with the user." More particularly, the Office Action states that a "Media object ID data is also collected." Clearly, a media object ID **directly refers to the media object itself** and cannot reasonably be construed as a unique identifier **associated with a user**.

Wood et al. Fail to Disclose Determining Corresponding Information for the Unique User

The Office Action further asserts that Wood et al., at Col. 5, lines 1-6, disclose "determining corresponding information for the unique user [from a database]." In particular, the Office Action asserts that uploaded media objects are "processed...in accordance with a profile...**of the destination web site....**" Whether or not a database with profile information corresponding to Web sites is adequately disclosed by Wood et al., applicants point out that as recited in Claim 1, **the corresponding information corresponds to the user**, not the some other Web site. Clearly, this recitation is patentably distinct from obtaining information pertaining to a destination Web sites, as possibly disclosed by Wood et al.

Wood et al. Fail to Disclose Creating Computer Readable instructions For a Set of Web Documents Using Information Corresponding to the User

It is asserted in the Office Action that Wood et al., at Col. 6, lines 15-20, disclose "creating computer readable instructions for a set of web documents, using said corresponding

information, to be executed on an interconnected client computer." In fact, the cited material discloses simply duplicating data on more than one computer system. While this could possibly be construed as create a Web document, this can hardly be viewed as creating computer readable instructions for a set of Web documents. Furthermore, this recitation must be viewed with the remainder of the recitation, namely that the computer readable instructions are created using the information corresponding to the user, and that the computer readable instructions are created for execution on an interconnected client computer. Clearly, mirroring data from a host computer to another computer is substantially, and patentably distinct from **creating** computer readable instructions according to user profile information for execution on the user's computer, as recited in Claim 1.

In sum, for the reasons stated above, applicants assert that Wood et al. fail to disclose each and every element of independent Claim 1. Accordingly, applicants respectfully request that the 35 U.S.C. § 102(e) rejection of Claim 1 be withdrawn, and the claim allowed.

#### Dependant Claims 2-6, 9, and 11-13

Claims 2-6, 9, and 11-13, depend from Claim 1. Accordingly, for the reasons described above in regard to Claim 1, applicants respectfully submit that Wood et al. fail to disclose each element of Claims 2-6, 9, and 11-13, especially when read in conjunction with independent Claim 1. Accordingly, applicants request that the 35 U.S.C. § 102(e) rejections of Claims 2-6, 9, and 11-13, be withdrawn and the claims allowed.

Moreover, Claims 2-6, 9, and 11-13, include additional recitations that further distinguish them from Wood et al., some of which are presented below.

#### Claim 2

It is asserted in the Office Action that Wood et al., in Figure 7, and described at Col. 9, lines 57-61, disclose a request to create a set of Web documents via an internetworked set of

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computers. This assertion, as discussed above under Claim 1, fails to recognize that a "web submission from the MAPD system" is nothing more than a transfer of a existing media object, albeit through an internetworked set of computers. As already discussed, a transfer cannot reasonably be construed as a request to **create Web documents**. Accordingly, although Wood et al. disclose a similar term, "internetworked", as those recited in Claim 2, Wood et al. fail to disclose creating a set of web documents, "wherein the request to create [that] set of web documents is received via an internetworked set of computers," as recited in Claim 2.

Accordingly, for these additional reasons, applicants respectfully assert that Wood et al. fail to disclose each element of Claim 2, and respectfully request that the 35 U.S.C. § 102(e) rejection of Claim 2 be withdrawn, and the claim allowed.

#### Claim 6

It is asserted in the Office Action that Wood et al., at Col. 2, lines 11-20, disclose "the computer readable instructions provide the unique user a means of choosing at least one feature for the set of web documents." Applicants disagree. The cited reference clearly states "that all these media objects need to be displayed on web sites that will have different viewing requirements." Clearly, this passage makes reference to the needs of the destination Web sites (others), not providing the unique user, i.e., the one who submitted the information, a means of choosing at least one feature. Applicants assert that this difference, i.e., the needs of the destination Web sites (from Wood et al.) vs. providing the unique user (the originator) a means of choosing at least one feature, is substantially and patentably distinct. Accordingly, applicants respectfully submit that Wood et al. fail to disclose each element of Claim 6, and request that the 35 U.S.C. § 102(e) rejection of this claim be withdrawn, and the claim allowed.

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### 35 U.S.C. § 103(a) Rejections

In order "to establish *prima facie* obviousness of a claim invention, all the claim limitations must be taught or suggested in the prior art."<sup>2</sup> In the Office Action, it is asserted that Wood et al., in view of Moncreiff, teach or suggest, the elements recited in Claims 7, 8, and 10. Applicants respectfully disagree.

As a preliminary matter, Claims 7, 8, and 10, depend from Claim 1. Accordingly, for the reasons described above in regard to Claim 1, applicants respectfully submit that cited and applied references fail to disclose, teach, or suggest the elements of Claims 7, 8, and 10, especially when read in conjunction with Claim 1. Accordingly, applicants assert that these claims are allowable over the cited and applied references, and submit that they are in condition of allowance over the cited and applied reference.

#### Claim 8

In regard to Claim 8, it is asserted in the Office Action that Moncreiff, at Col. 7, lines 41-45, disclose "the at least one feature is a means of reserving an appointment," stating that "a bookmark enable[s] the user to enter the remote chat rooms . . . ." Taking the cited reference in the context of the surrounding paragraph in Moncreiff, it is clear that the feature permits a user to select a chat room outside of the time zone for the synchronized broadcast media event associated with the time zone the user is actually located in. Further, it is apparent from the cited reference that the user may enter said alternate time zone chat room as a result of placing the bookmark. However, the feature described in Moncreiff is not a reservation at all.

The bookmark provided merely provides a simple method of going directly to the specified chat room once that chat room 'opens'. This, however, does not *reserve* a place in the

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<sup>2</sup> M.P.E.P. § 2143.03; see also *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

chat room for the user. As those skilled in the art will appreciate, "reserve" means to keep back, or to set aside. Creating an easy and fast path to access the chat room, once it opens in the appropriate time zone, cannot reasonably be construed as holding a space in the chat room on reserve, nor setting aside a place in the chat room for the user. Applicants assert that the Moncreiff reference fails to teach or suggest that "the at least one feature is a means of reserving an appointment", as recited in Claim 8.

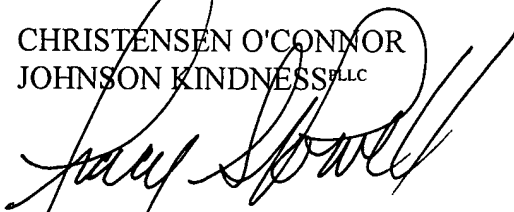
For these additional reasons, applicants respectfully assert that Wood et al., in view of Moncreiff, fail to teach, suggest, provide motivation to make, or otherwise render obvious the invention as claimed in Claim 8. Accordingly applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 8 be withdrawn, and the claim allowed.

#### Conclusion

In view of the foregoing remarks, it is believed that the present application is in condition for allowance. Reconsideration and allowance of Claims 1-13 at an early date is solicited. If the Examiner has any questions, he is invited to call applicants' attorney at the number listed below.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
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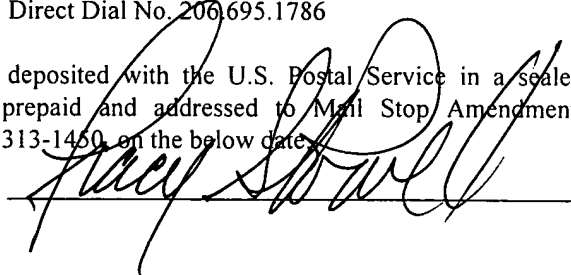
  
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